

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
)	
Plaintiff,)	Civil Action No.: 19-cv-935-pp
)	
v.)	
)	
ROGERS BEHAVIORAL HEALTH,)	
)	
Defendant)	

**EEOC’S UPDATED STATUS REPORT ON ITS MOTION TO
AMEND SCHEDULING ORDER**

EEOC respectfully submits this status report to update the Court on issues pertaining to the motions pending with the Court (ECF 27 and ECF 28) whereupon EEOC asked for a brief extension for leave to take two depositions that could not be scheduled before the close of discovery and Defendant filed a motion opposing the extension.

EEOC requested a few weeks extension to take a previously noticed 30(b)(6) deposition of a third party who was unavailable for the noticed date of the deposition. EEOC has obtained a declaration from that third party and provided Defendant Rogers with a copy. EEOC informed Rogers that, with receipt of this declaration, EEOC no longer needs to take this deposition and withdraws its request for leave to take the deposition of the third party.

EEOC also sought leave to take the deposition of Defendant’s hired expert. Defendant concedes that it advised EEOC that it may not rely upon its expert. ECF 33, p.2. In September, EEOC tried to clarify whether the parties needed to expend the time and resources of taking the expert’s deposition. EEOC has been unable to get Defendant to clarify its position on whether it

would or would not withdraw its expert. In the absence of any clarity, EEOC stands by its request for leave to take this expert deposition. EEOC believes this can be done remotely and should take fewer than 4 hours.

WHEREFORE, Plaintiff EEOC respectfully reports that its request to take the deposition of a third party is withdrawn and its request for leave to take Defendant's expert deposition is renewed.

Respectfully Submitted

/s/ Richard J. Mrizek

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